

4. Upon information and belief, Turley is a resident of the Commonwealth of Virginia, who at all relevant times, owned and operated the website, <https://www.jonathanturley.org> (“the Website”).

JURISDICTION AND VENUE

5. This is a civil action seeking relief for copyright infringement under the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.*

6. The Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. The Court has personal jurisdiction over Turley due to his residence in the Commonwealth of Virginia and ownership and operation of the Website, and because, upon information and belief, the actions giving rise to this Complaint occurred in this judicial district.

8. Venue of this action in the United States District Court for the Eastern District of Virginia is proper pursuant to 28 U.S.C. § 1400(b), as the relevant actions took place in this judicial district.

FACTUAL BACKGROUND

9. In the course of his work, Mr. Philpot took the Subject Photo. A true and accurate copy of the Subject Photo is attached as Exhibit A.

10. On August 21, 2013, Mr. Philpot obtained a copyright registration, No. VAu 1-164-624, with the U.S. Copyright Office for the Subject Photo. A true and accurate copy of the certificate of registration for the Subject Photo is attached as Exhibit B.

11. On or after November 9, 2017, Mr. Philpot discovered that Turley used, copied, published, and/or displayed the Subject Photo on the Website, at the following publicly viewable web address:

- <https://jonathanturley.org/2016/02/10/ted-nugent-unleashes-rabidly-anti-semitic-rant-over-gun-control/> (the "Post");
- https://jonathanturley.org/wp-content/uploads/2016/02/220px-ted_nugent_2013.jpg

True and accurate screenshots of the infringing uses of the Subject Photo are attached as Exhibit C.

12. The Website was and is promotional in nature, and intended to engage and interact with the public to encourage and increase traffic to its site; therefore, it was and is inherently commercial in nature.

13. Turley did not have permission or license to use, copy, publish, or display the Subject Photo.

14. At no point has Turley obtained or attempted to obtain a license for the use, copying, publication, or display of the Subject Photo.

15. The Subject Photo was removed from the Post on the Website at some point after November 9, 2017, but remains viewable at the other publicly accessible link.

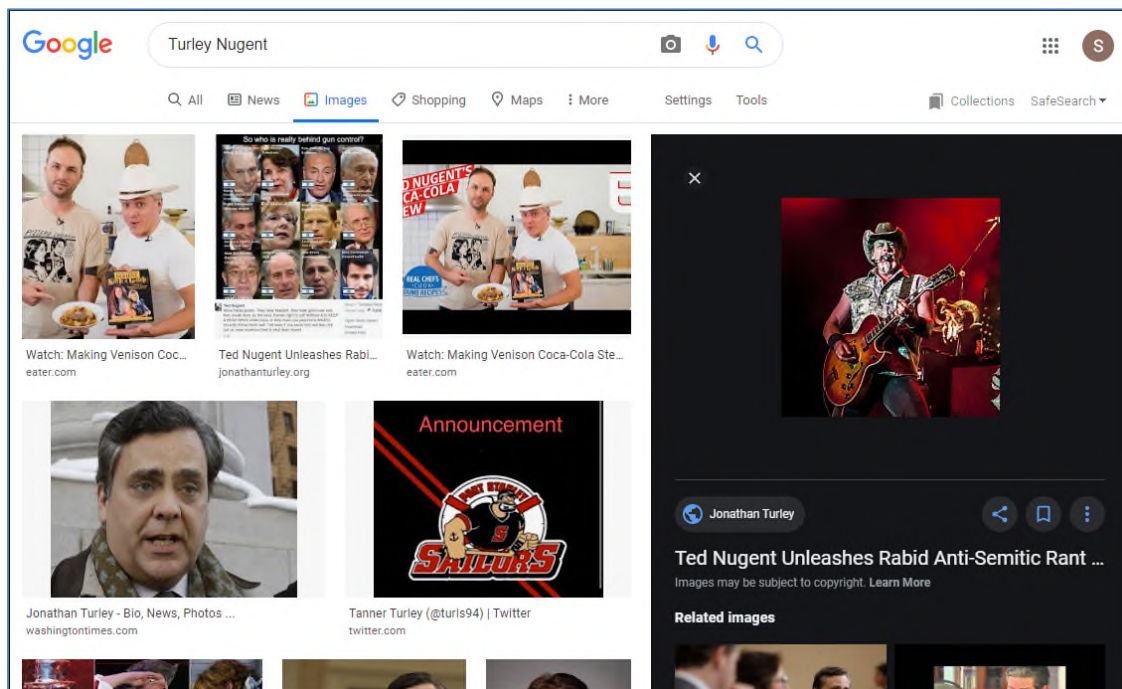
16. Further, as of the date of this filing, the Website source code for the Post also still includes and links to the Subject Photo:

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341 <header class="entry-header">
342 <div class="entry-header-row">
343 <div class="entry-header-column">
344 <div class="entry-meta">
345 <span class="cat-links">
346 <a href="https://jonathanturley.org/category/bizarre/" rel="category tag">Bizarre</a>, <a
href="https://jonathanturley.org/category/free-speech/" rel="category tag">Free Speech</a>, <a
href="https://jonathanturley.org/category/media/" rel="category tag">Media</a>, <a href="https://jonathanturley.org/category/politics/"
rel="category tag">Politics</a>
</span>
347 <span class="posted-on"><a href="https://jonathanturley.org/2016/02/10/ted-nugent-unleashes-rabidly-anti-semitic-rant-over-
gun-control/" rel="bookmark"><time class="entry-date published" datetime="2016-02-10T09:02:26-05:00">February 10, 2016</time><time
class="updated" datetime="2016-02-20T21:19:10-05:00">February 20, 2016</time></a></span> </div><!-- .entry-meta -->
348 <a href="https://jonathanturley.org/2016/02/10/ted-nugent-unleashes-rabidly-anti-semitic-rant-over-gun-control/" rel="permalink">
<h1 class="entry-title">Ted Nugent Unleashes Rabid Anti-Semitic Rant Over Gun Control</h1></a>
</div><!-- .entry-header-column -->
349 </div><!-- .entry-header-row -->
350 </header><!-- .entry-header -->
351 <div class="entry-content">
352 <p><a href="https://jonathanturley.org/wp-content/uploads/2016/02/220px-ted-nugent_2013.jpg" rel="attachment wp-att-96854"></a>Right-wing
rock &#8220;Ted Nugent&#8221; has never been the paragon of stability or reason. However, few were prepared for his raving attack on Jewish leaders who
favor gun control. On his Facebook page, posted pictures of Michael Bloomberg, Sen. Charles Schumer, Chicago Mayor Rahm Emmanuel and other
leaders next to an Israeli flag under the banner &#8220;So who is really behind gun control?&#8221; The answer, according to Nugent, is the
chillingly familiar: &#8220;the Jews.&#8221; This controversy seems to mystify Nugent who later wrote &#8220;What sort of racist prejudiced
POS could possibly not know that Jews for guncontrol are nazis in disguise?&#8221;</p>
353 <p><a href="https://jonathanturley.org/2016/02/10/ted-nugent-unleashes-rabidly-anti-semitic-rant-over-gun-control/#more-96852" class="more-
link">Continue reading <span class="screen-reader-text">&#8220;Ted Nugent Unleashes Rabid Anti-Semitic Rant Over Gun Control&#8221;</span>
<span class="meta-nav">&#8220;&#8221;</span></a></p>
354 </div><!-- .entry-content -->
355 <div class="entry-footer">
356 <div class="entry-footer-right">
357 <span class="comments-link"><a href="https://jonathanturley.org/2016/02/10/ted-nugent-unleashes-rabidly-anti-semitic-rant-
over-gun-control/#comments">83 Comments</a></span>
358 </div>
359 </div><!-- .entry-footer -->
360 </article><!-- #post-## -->
361 </div>

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17. As of the date of this filing, the Subject Photo also still appears in Google search results for the Post:



COUNT ONE - COPYRIGHT INFRINGEMENT

18. The allegations of the above and foregoing paragraphs of this Complaint are re-alleged and incorporated herein by reference.

19. The Subject Photo is an original work of Mr. Philpot, copyrightable and copyrighted under the laws of the United States.

20. At all times relevant hereto, Mr. Philpot has been and remains the owner of all copyrights in and to the Subject Photo, and he has not ever assigned, licensed, or otherwise given permission to Turley to use, copy, publish, or display his work.

21. Turley had access to the Subject Photo on the internet.

22. Turley used and displayed the Subject Photo on the Website without permission or license to do so.

23. By his conduct described herein, Turley infringed on Mr. Philpot's copyrights in the Subject Photo.

24. Turley's wrongful acts have caused injury to Mr. Philpot.

25. Thus, Turley is liable to Mr. Philpot for all remedies available under the Copyright Act, including, but not limited to, actual compensatory damages, the disgorgement of profits, or statutory damages, at Mr. Philpot's election; and his costs and attorneys' fees, pursuant to 17 U.S.C. §§ 504 and 505.

Mr. Philpot hereby demands a trial by jury.

WHEREFORE, Plaintiff Mr. Philpot respectfully requests that this Court:

A. Find Turley liable on Count One as described herein;

B. Award Mr. Philpot his actual, compensatory damages, the disgorgement of profits, or statutory damages, at Mr. Philpot's election, to the full extent provided by 17 U.S.C. § 504, in an amount to be determined at trial;

C. Award Mr. Philpot's attorneys' fees and costs to the full extent provided by 17 U.S.C. § 505; and

D. Grant such other relief as this Court deems equitable and just.

Respectfully submitted,

/s/ Kristine M. Maher

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